

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3953 OF 2005
IN
FIRST APPEAL (ST.) NO.19646 OF 2005

Sameera Amzad Sayyed & Anr. ..Applicants.
V/s.

Mumtaz Begum A. Khan & Ors. ..Respondents.
Mrs. Sunita M.Paddar for applicants.

Mr.Gawde, AGP.

Mr.I.M.D'Silva for respondent No.1 and 2.

Mr. N.N.Tated i/b Mahimtura & Co. for respondent No.3.

CORAM: A.M.KHANWILKAR, J

DATE : JANUARY 20, 2006.

P.C. :

1. Heard counsel for the parties.

2. Delay is only of 109 days. For the reasons mentioned in the application and in any case in the interest of justice, delay is condoned on condition that the applicant shall pay costs to the respondent No.3 quantified at Rs.3,000/- within one week from today, failing which the application is treated as dismissed for non-prosecution.

3. Cost is offered only to respondent No.3, who

is the private contesting party respondent and also because the respondent Nos.1 and 2 inspite of service not appeared before this court.

4. Accordingly, application is allowed on the above terms.

5. Appeal be registered and listed for admission as per its turn. Applicants to produce receipt in the office regarding payment of costs to respondent No.3. Thereafter, the appeal be registered within specified time.